

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Civil Conference
Minute Order

Before: James Orenstein
U.S. Magistrate Judge

Date: 5/21/2019
Time: 12:30 p.m.

Bonifacio Perez-Ramos, et al. v. St. George Holding Corp., et al.
18-CV-1929 (KAM) (JO)

Type of Conference: Telephone

Appearances: Plaintiffs Paul Hershan

Defendants Stephen D. Hans

Scheduling: The next status conference will be held on June 26, 2019, at 12:30 p.m.

Summary:

1. As I discussed with counsel, the proposed agreement is manifestly one that the court cannot approve under applicable case law. The release provisions (paragraphs 6(a)-(c), as well as the severability provision in paragraph 13) are plainly overbroad (as was the case the first time the parties submitted a proposal), the non-disparagement provision (paragraph 24) lacks the necessary exception for truthful statements, and the motion for approval includes contradictory statements about the amount sought for fees and the relationship between that amount and a reasonable lodestar. If the court approves a proposed settlement before the next conference scheduled above, I will cancel it; otherwise counsel shall appear in person to discuss both an expedited schedule for completing all remaining pretrial tasks.
2. In addition, I noted that these attorneys have repeatedly wasted their clients' resources and the court's time seeking approval for agreements to settle wage claims that are foreclosed by applicable law. *See, e.g., Medellin, et al. v. Fleet Design Inc. et al.*, CV 18-0241 (MKB) (same counsel for plaintiff); *Ochoa v. Smart Interiors Inc., et al.*, CV 17-1335 (RRM) (same counsel for plaintiff); *Fontanez v. Dellel Industries Inc., et. al.*, CV 16-6878 (JO) (same counsel for plaintiff); *Singh, et al. v. A & R Food Services, Inc., et al.*, CV 15-2335 (JO) (same counsel for both sides); *Neri, et al. Golden House of Astoria Inc., et al.*, CV 15-2021 (JO) (same counsel for plaintiffs). I cautioned counsel that should they continue to routinely disregard applicable law in submitting their settlement proposals, I will consider appropriate remedial actions including disqualification and referral to the court's Committee on Grievances.

SO ORDERED

/s/
James Orenstein
U.S. Magistrate Judge